

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

<p>PARIS DA'JON ALLEN,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>KATHY REID, STEPHEN CRANNE, MD, NANETTE LARSON, JANE ROE, KENT GRANDLINARD, KELLY CLASSEN,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 16-cv-1602 (WMW/SER)</p> <p style="text-align: center;">REPORT AND RECOMMENDATION</p>
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Plaintiff Paris Da'jon Allen commenced this action by filing a complaint under 42 U.S.C. § 1983. Allen did not pay the required filing fee, but instead filed an application seeking leave to proceed *in forma pauperis* ("IFP"). See ECF No. 2. In an order dated July 7, 2016, this Court required Allen to pay the initial partial filing fee. See ECF No. 8. Allen was given twenty days to pay the fee, failing which it would be recommended the action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Allen has not paid the required filing fee.¹ Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district

¹ Allen has filed a number of cases in this District. See 15-cv-1851, 15-cv-1859, 15-cv-1860, 15-cv-1905, 16-cv-656. In two of the cases, 15-cv-1905 and 15-cv-1860, Allen did not pay the initial partial filing fee until after the case was recommended for dismissal for failure to pay. The Court notes that Allen's fee in this case was due by July 28, 2016 and Allen has not contacted the Court about his case since he was ordered to pay.

court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: August 16, 2016

s/Steven E Rau
Steven E. Rau
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).

Under Advisement Date: This Report and Recommendation will be considered under advisement 14 days from the date of its filing. If timely objections are filed, this Report and Recommendation will be considered under advisement from the earlier of: (1) 14 days after the objections are filed; or (2) from the date a timely response is filed.